IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

MACA.No. 1132 of 2007(F)

OPMV.326/2004 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM
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APPELLANTS/PETITIONERS:
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1. SUBRAMANIAN P., AGED 58 YEARS,
S/O. PALANISWAMI, VATTAKARAN VEEDU,
PERUMAL VALASU, MALAMEDU, THARAPURAM TALUK,
ERODE DISTRICT.

2. CELLATHAL, AGED 51 YEARS,
W/O. SUBRAMANIAN P., VATTAKARAN VEEDU,
PERUMAL VALASU, MALAMEDU, THARAPURAM TALUK,
ERODE DISTRICT.

BY ADV. SRI.R.VENUGOPAL
SRI.R.SREEHARI

RESPONDENTS/RESPONDENTS:
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1. K.MANIKANDAN, AGED 35 YEARS,
S/O. RAVUNNI, THIYYADIYIL HOUSE, KEEZHAYUR,
OTTAPALAM TALUK.
(DRIVER OF KL-10/Q 5697 BUS - DRIVING LICENCE NO.
894/91/PP, BADGE NO.79/95 PP).

2. K.ANITHA, W/O. SUMITHRAN,
MANKUZHI HOUSE, KUMARANPADI POST,
NIRAMARUTHUR, MALAPPURAM DISTRICT.
(OWNER OF KL-10 Q 5967 BUS).

3. THE NEW INDIA ASSURANCE CO. LTD.,
BRANCH OFFICE, KH BUILDING, THAZHEPPALAM,
TIRUR, MALAPPURAM DIST.
(INSURER OF KL-10 Q 5967 BUS - POLICY NO.760 203/
31/03/03717 - VALID FROM 16.06.2003 TO
15.06.2004).

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.1132 OF 2007

Dated 25th July, 2007

JUDGMENT

Koshy,J.

A youngster aged 23 died in a motor accident. His parents filed claim petition before the Motor Accidents Claims Tribunal claiming Rs.10,00,000/= as compensation. The Tribunal awarded a total compensation of Rs.3,04,000/=. According to the claimants, the deceased was getting Rs.8,000/= per month and he was doing financial business. But, no evidence was adduced to show the income of the deceased. No documentary evidence was also adduced to show that he was doing financial service and no licence to run financial business was produced. No income tax return was also produced. However, Tribunal assessed Rs.3,000/= as monthly income. As per the application, father was aged 55 and mother was aged 48. Considering their age, 11 was taken as the multiplier. It is submitted that he was the only child, but, only Rs.30,000/= was awarded for loss of love and affection, loss of estate etc.. Considering the total compensation awarded and also the amount awarded for loss of love and

affection etc., we are of the opinion that just and reasonable compensation was awarded and no enhancement is required.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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